

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHESTER BELLEVILLE, et al.,)	
)	
Plaintiffs,)	
)	
V.)	Civil No. 09-962-JPG
)	
COTTRELL, INC., et al.,)	
)	
Defendants.)	

ORDER

PROUD, Magistrate Judge:

Defendant American Zurich Insurance Company (AZIC) is before the Court seeking to stay discovery pending ruling on plaintiff's motion to remand and AZIC's motion to dismiss.

(Doc. 47).

Staying discovery will have a ripple effect on the deadlines and trial setting already in place in this case, so the decision to stay discovery is not taken lightly. In the event the case is remanded to state court, the parties will merely be "ahead of the game" if they have begun discovery.

AZIC rests in great part on its perception of the strength of its motion to dismiss. The Court appreciates that a party improperly joined should not have to submit to discovery unrelated to pending motions to dismiss and/or to remand. After reviewing the motion to dismiss and plaintiffs' response, the Court is persuaded that AZIC's motion is likely to succeed, although that determination must be made by Judge Gilbert.

IT IS HEREBY ORDERED that defendant American Zurich Insurance Company's motion to stay discovery pending ruling on plaintiff's motion to remand and AZIC's motion to

dismiss (**Doc. 47**) is **GRANTED**, in that discovery is stayed only with respect to **AZIC**.

Discovery shall proceed relative to all other parties.

IT IS SO ORDERED.

DATED: February 2, 2010

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE